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Attorneys for Defendant
EASTMAN KODAK COMPANY

ORIGINAL

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

APPLE INC., a California Corporation,

Plaintiff,

v.

EASTMAN KODAK COMPANY, a New
Jersey Corporation,

Defendant.

Case No. [REDACTED]

DEFENDANT EASTMAN KODAK
COMPANY'S NOTICE OF REMOVAL
OF ACTION UNDER 28 U.S.C. §
1441(b) (DIVERSITY)

CV 10

4145

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DEFENDANT EASTMAN KODAK COMPANY'S NOTICE OF REMOVAL

Case No.

1 **TO THE CLERK OF THE ABOVE ENTITLED COURT:**

2 **PLEASE TAKE NOTICE** that pursuant to 28 U.S.C. §§1332 and 1441(a), Defendant
3 Eastman Kodak Company ("Kodak") removes this action from the Superior Court of the State of
4 California for the County of Santa Clara to the United States District Court for the Northern
5 District of California.

6 1. On August 25, 2010, Apple Inc., ("Apple") filed a civil action against Kodak in
7 Santa Clara Superior Court, entitled *Apple Inc., v. Eastman Kodak Company*, Case No.
8 110CV181091.

9 2. Kodak first received notice of Apple's Complaint on August 26, 2010, when its
10 outside counsel received a courtesy copy of the Complaint from Apple's counsel. Kodak's
11 designated agent for service of process, CT Corporations System, was served with Apple's
12 Complaint on August 30, 2010. A true and correct copy of the summons and the Complaint is
13 attached hereto as Exhibit A.

14 3. Kodak is a corporation organized under the laws of New Jersey, with its principle
15 place of business located in Rochester, New York. Apple is a corporation organized under the
16 laws of California, with its principle place of business located in Cupertino, California.

17 4. This Court has original jurisdiction over this action under 28 U.S.C. §1332
18 because this is a civil action between citizens of different states and the matter in controversy
19 exceeds the sum of \$75,000, exclusive of interest and costs. Apple's Complaint is properly
20 removed pursuant to 28 U.S.C. §1441(b).

21 5. Kodak files this Notice of Removal within 30 days after receipt, by service or
22 otherwise, of the summons and Complaint. Removal is therefore timely pursuant to 28 U.S.C.
23 §1446(b).


24 6. Pursuant to 28 U.S.C. §1441(d), Notice to Adverse Party and to the Superior Court
25 of Santa Clara County of Removal of Action to Federal Court are concurrently being filed with
26 the Superior Court of Santa Clara County, and served on Apple.

27
28 **DEFENDANT EASTMAN KODAK COMPANY'S NOTICE OF REMOVAL**

Case No.

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2
3 Dated: September 15, 2010

K&L GATES LLP

4 By: 
Michael J. Bettinger
5 Rachel R. Davidson

6 Attorneys for Defendant
EASTMAN KODAK COMPANY
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DEFENDANT EASTMAN KODAK COMPANY'S NOTICE OF REMOVAL

Case No.

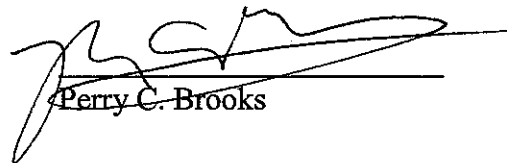
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 15, 2010, a true and correct copy of the foregoing was caused to be served on counsel by electronic transmission and overnight mail:

**DEFENDANT EASTMAN KODAK COMPANY'S NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C. § 1441(b) (DIVERSITY)**

Attorneys for Plaintiff Apple, Inc

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Perry C. Brooks